

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JAMES AUSTERMAN,

Civil 10-4502 (JRT/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

BEHNE, INC. AND NATHAN BEHNE,

Defendants.

Paul Taylor, **TAYLOR & ASSOCIATES, LTD**, 900 West 128th Street, Suite 104, Burnsville, MN 55337, for plaintiff.

Kevin Velasquez and Beth Serrill, **BLETHEN GAGE & KRAUSE, PLLP**, Post Office Box 3049, Mankato, MN 56002, for defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated April 6, 2011 [Docket No. 22]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendants' motion to dismiss for lack of jurisdiction [Docket No. 2] is denied.

DATED: April 28, 2011
at Minneapolis, Minnesota

____ s/ John R. Tunheim _____
JOHN R. TUNHEIM
United States District Judge